

# CALIFORNIA STATE BOARD OF EDUCATION

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## Highlights from the State Board of Education

*A monthly summary of key actions taken by the SBE*

*November 2001*

### State Board Adopts Regulations to Help Disabled Students Take High School Exit Exam

In a move that will benefit high school students with disabilities, the State Board of Education has adopted regulations to ensure disabled students are granted necessary and allowable accommodations to take the California High School Exit Exam.

Currently, every high school student must pass the exit exam as a condition of graduation, starting with the class of 2004, although the State Board has the authority to delay the consequence date pending further review of the test. State law also provides that students with exceptional needs be given the exit exam with “accommodations” that are appropriate and necessary.

The regulations approved by the State Board on Thursday allow special education students the necessary test-taking accommodations to address a student’s identified disability (disabilities), but at the same time do not invalidate what the exit exam measures. If an accommodation fundamentally alters what is being measured on the test, the test results for the student receiving the accommodation are not valid. Thus, a student taking the test with such accommodations could pass the exit exam but not receive a diploma because the test score is not valid.

Allowable accommodations under the State Board’s regulations include, but are not limited to, the following:

- 1) presentation accommodations, such as large print versions or Braille transcriptions;
- 2) response accommodations, such as responses made with a mechanical or electronic device used solely to record a student’s answer;
- 3) scheduling accommodations, such as more frequent breaks during the regularly scheduled test session;
- 4) setting accommodations, such as special furniture or lighting, or a separate, secured room.

The only two accommodations specifically disallowed are calculators on the math portion of the exit exam, and audio or oral presentation of the English-language arts portion of the test.

Separately, the State Board directed that a policy be developed that would waive the exam as a condition of graduation in specific cases in recognition that a small number of students with disabilities are not able to successfully complete high-school level coursework or pass the exam without a reader or a calculator.

Under the proposed waiver policy, a local education agency may submit a request on behalf of a student with disabilities to the California Department of Education with evidence that, among other things, the student is successfully taking high-school level coursework and has taken the exit exam with whatever modifications are deemed necessary – including a reader or calculator – and has achieved a score equivalent to a passing score on the exit exam.

The State Board has stated its intention to explore with the Legislature whether there are statutory options that would allow the award of a high school diploma to students whose disabilities cannot be accommodated in taking the exit exam without fundamentally altering the test. This legislative solution would be preferable.

## State Board Sends Out Proposed English Learner Regulations For Public Comment

The State Board approved a notice of proposed rulemaking to start the public comment process on regulations dealing with the reclassification of students identified as English learners to fluent English proficient. A 45-day public comment period has commenced and will be followed by a public hearing on January 10, 2002.

SBE Executive Director John Mockler noted before the Board's vote that revisions to the proposed regulations reflected many of the changes suggested by the advocate groups during recent meetings. He also noted that some of the requested changes by advocates exceeded the Board's statutory authority. "The regulations create clarity and will assist local districts to the extent the Board has authority to act without creating new mandates," Mockler said.

State law requires the California Department of Education, with the approval of the State Board, to establish procedures for the reclassification of a pupil from English learner to fluent English proficient. Below is a brief description of changes in the proposed regulations:

### Reclassification:

- Specifies that the notice to parents include a description of the reclassification process and of the opportunity for parental participation in the reclassification process;
- Clarifies the State Board's intent to establish a statewide empirically based range of performance in basic English/language arts skills as required by Education Code section 313(d)(4);
- Conforms to the language of Education Code Section 313 requiring the state to establish procedures to be used for the reclassification of pupils;
- References the regulations adopted by the State Board for conducting the English language development test.

### Parental Exception Waivers

The section on parental exception waivers now contains these revisions:

- Provides clarification of the State Board's intent to recognize the authority of parents to select among alternative programs made available at the school and to have information to make informed decisions;
- Clarifies that a pupil who has already been placed in an English language classroom for 30 days, and has received a waiver and is enrolled in an alternative program, does not need to repeat this 30-day process as long as the pupil is enrolled in the alternative program;
- Specifies that parental waiver requests shall not be denied solely on the grounds that the district or school does not have an alternative program;
- Provides some procedural safeguards that apply if a principal and educational staff initiate or recommend a waiver request;
- Clarifies that the parents/guardians must be informed of any appeal process to the local governing board of the school district if the local board has established that appeals process, or of an appeal to a court.

## **Student Performance Standards (Levels) Approved for California Standards Tests**

The Board unanimously approved “performance standards” or student achievement levels for the California Standards Tests in 2002 and thereafter. The California Standards Tests are aligned to the state’s academic content standards, which lay out what students should know and be able to do at each grade level in English-language arts, mathematics, history-social science, and science.

In August, the STAR reports for the first time included results by student performance standards, but only for English-language arts standards tests. Student performance was measured at one of five standards (levels): advanced, proficient, basic, below basic, and far below basic. (Proficient or above is the state’s desired performance standard or level for all students).

The Board has now approved the same five performance standards for all subjects in 2002, allowing the state to report student achievement for the mathematics, history-social science, and science standards-based tests next year, in addition to the English-language arts exam.

The Board’s action contained the following key specific provisions:

- (1) Continue in 2002 and beyond the five performance standards for English-language arts that were used in 2001;
- (2) Approve the use of the same five performance standards in 2002 and beyond for mathematics, history-social science, and science (the Board, however, did not approve performance standards for integrated mathematics and science courses because of the insufficiency of information on which to base them);
- (3) Approve adjusted cut scores for English-language arts at grades four and seven to incorporate the direct writing assessment, recognizing that, for use in reporting in 2002 and beyond, the cut scores will be converted to scaled scores that comparably reflect student achievement;
- (4) In 2002 and beyond, determine that the objective of California’s educational system is for all students to achieve at or above the proficient performance standard.

## **State Board Moves to Designation Process to Select New Contractor for STAR Program**

The State Board continues to refine the state’s student testing program into a streamlined system of assessment aligned to California’s rigorous academic content standards.

At its November meeting, the Board unanimously directed CDE staff to prepare a single “Invitation to Submit” covering all parts of the STAR Program (including the norm-referenced and California Standards Tests), using a designation process. In addition, the Board requested that CDE staff bring back for approval both the invitation to submit and the specific protocol for designation at the Board’s December meeting. It was understood that presentation and/or approval of the invitation and designation process might need to be postponed until the January 2002 meeting.

## Other Items of Interest

**SB 233** – Following extensive discussion, the Board postponed action until December on the proposed schedule for the implementation of Senate Bill 233, as well as a proposed Board policy to guide implementation of the key legislation.

SB 233, legislation sponsored by Gov. Davis and authored by State Sen. Dede Alpert, D-Coronado, reauthorizes the state's Standardized Testing and Reporting (STAR) Program.

Generally speaking, SB 233 moves toward a standards-based assessment system while decreasing reliance on nationally norm-referenced tests, and eliminating redundant tests where possible. For instance, where standards-based tests duplicate Golden State Exams, the Golden State Exams will be reduced and used to augment the California Standards Tests in specific subject areas.

**English Learners** – The Board appointed Lorraine Woo Fong to the Board's English Learner Advisory Committee to fill a vacancy on the advisory body. Ms. Fong is currently the principal at Bennett-Kew School in Inglewood Unified School District, a school that has distinguished itself as a high-poverty, high-achieving school. The motion was approved by unanimous vote of the members present.

**2002 Meeting Schedule Change** – The Board acted to change the 2002 meeting schedule. No regular meeting is scheduled for July 2002. (There is no meeting scheduled for August 2002.) In addition, the April, May, and June 2002 meetings have been rescheduled to April 24-25, May 29-30, and June 26-27.

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